

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re  
CITY OF DETROIT, MICHIGAN

Debtor

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

William M. Davis and Detroit Active and Retired Employee Association (DAREA)

Appellant.

v.

City of Detroit, Michigan,

Appellee.

FILED (1)  
2014 DEC 10 P 2:59  
U.S. BANKRUPTCY COURT  
E.D. MICHIGAN DETROIT

APPELLANT WILLIAM M. DAVIS AND ADDITIONAL LIST OF APPELLANTS  
(ATTACHMENT A), KNOWN AS DAREA DESIGNATION OF THE CONTENT OF THE  
RECORD AND STATEMENT OF ISSUES ON APPEAL

I/We are filing and serving this Designation and Statement to comply with Fed.R.  
Bnkr. P. 8009(a)(1) [Effective December 1, 2014]. The Designation and Statement  
relate to the appeal I/We started by filing a Notice of Appeal (Dc. N. 8369) on November  
21, 2014.

I. DESIGNATION OF RECORD ON APPEAL:

Item No.	Date Filed	Docket No.	Description
1	7/18/2013	0001	Voluntary Petition for City of Detroit, Michigan
2	12/5/2013	1945	Opinion Regarding Eligibility
3	2/21/2014	2708	Plan for the Adjustment of Debts of the City of Detroit

4	2/21/2014	2709	Disclosure Statement with Respect to the Adjustment of Debts of the City of Detroit
5	3/6/2014	2872	Yvonne Williams Jones Objection to violates of State of Michigan Constitution
6	3/31/2014	3380	Amended Plan for the Adjustment of Debts of the City of Detroit
7	3/31/2014	3382	Amended Disclosure with Respect to Amended Plan for the Adjustment of Debts of City of Detroit
8	3/31/2014	3390	John P. Quinn Objection to Disclosure Statement
9	4/1/2014	3706	Jesse J. Florence, Sr. Objection to Plan of Adjustment impact of Health Care cuts to Retirees
10	4/1/2014	3515	Amru Meah, Objection to Plan of Adjustment of Debts, Health Care cuts to Retirees
11	4/15/2014	4140	Second Amended Plan for the Adjustment of Debts of the City of Detroit
12	4/16/2014	4141	Second Amended Disclosure Statement with Respect to Second Amended for the Adjustment of Debts if the City of Detroit
13	4/25/2014	4271	Third Amended Plan for the Adjustment of Debts of the City of Detroit
14	4/25/2014	4272	Third Amended Disclosure Statement with Respect to 2nd Amended Plan for the Adjustment of Debts of the City of Detroit
15	5/5/2014	4391	4th Amended Disclosure Statement with respect to 4th Amended Plan for the Adjustment of the Debts for the City of Detroit
16	5/5/2014	4392	4th Amended Plan of the Adjustment of the Debts of the City of Detroit
17	5/26/2014	5034	Consolidated reply to certain Objections to Confirmation of Fourth Amended Plan for the Adjustment of Debts of the City of Detroit
18	5/27/2014	5049	John P. Quinn's Attempted Compliance with Order Regarding identifying Legal issues relating to Confirmation
19	6/27/2014	5659	William M. Davis , Objection to City of Detroit Plan of Adjustment, Recoupment of ASF Interest & Impacts African-America retirees
20	7/1/2014	5723	John P. Quinn's Objections to 4th Amended Plan of Adjustment of Debts
21	7/10/2014	5909	Objection to Plan of Adjustment for Adjusting Pensions
22	7/11/2014	5945	Objection to Plan of Adjustment of Debts of the City of Detroit, and the effect it have on Detroit Retirees
23	7/22/2014	6197	Joint Motion of Objecting Creditors Michael J. Karwoski and John P. Quinn for briefing schedule and hearing on certain of Movants. Objections to 4th Amended Plan of Adjustment
24	7/25/2014	6257	5th Amended Plan for the Adjustment of the Debts of the City of Detroit
25	7/28/2014	6379	Corrected 5th Amended Plan for the Adjustment of the Debts of the City of Detroit

26	8/4/2014	6508	Official Committee of Retirees' Memorandum of Law in support of Confirmation of Fifth Amended Plan for Adjustment of Debts Filed by the City of Detroit, MI
27	8/18/2014	6864	Yvonne Williams Jones and Cecily McClellan, Motion to object to 5 <sup>th</sup> Amendment Plan and all corrections, as relates to funding level of pension fund.
28	8/20/2014	6908	Six Amended Plan for the Adjustment of Debts of the City of Detroit
29	9/5/2014	7303	Consolidated Response to Certain Pro Se Objections to Confirmation of the sixth Amended Plan for the Adjustment of Debts of the City of Detroit
30	9/16/2014	7502	7th Amended Chapter 9 Plan for the Adjustment of Debts of the City of Detroit
31	10/17/2014	7995	Third Order Admitting Exhibits
32	10/22/2014	8045	Eighth Amended Plan for the Adjustment of the Debts of the City of Detroit
33	10/24/2014	8109	William Davis Objection to Eighth Amended Plan of Adjustment of Debts of the City of Detroit, discriminates against African-American
34	10/24/2014	8108	William Davis Objection to Eighth Amended Plan of Adjustment of Debts of the City of Detroit, violates the Protection of Public Pensions under State of Michigan Constitution
35	10/31/2014	8145	Notice of Filing Proposed Order Confirming Eighth Amended Plan for the Adjustment of Debts of the City of Detroit, including attached proposed order
36	11/11/2014	8249	Notice of Filing Revised Proposed Order Confirming Eighth Amended Plan for the Adjustment of Debts of the City of Detroit, including attached proposed order
37	11/12/2014	8272	Order Confirming Eighth Amended Plan of Adjustment of Debts of the City of Detroit
38	11/24/2014	8414	John P. Quinn's Motion for Partial Stay Pending Appeal
39	11/26/2014	8489	State of Michigan's Consolidated Response in Opposition to Motions to Stay Confirmation Order Pending Appeal
40	11/26/2014	8496	City of Detroit's Consolidated Objection to Appellants' Motions for Stay Pending Appeal
41	11/26/2014	8474	William M. Davis and the attached list of additional appellants, Notice of Appeal to Confirmation of Plan of Adjustment
42	12/1/2014	8533	Order Denying Motions for Stay Pending Appeal

I/We reserve the right to supplement or amend this Designation to the extent permitted by law or court rule.

## II. STATEMENT OF ISSUES ON APPEAL.

I/We intend to raise the following issues on appeal:

1. Did the bankruptcy court err as a matter of law by confirming the Eighth Amended Plan for the Debt of the City of Detroit ("Plan") even though, by attempting to impose a diminished or impaired contractually obligated pension payments, which is unconstitutional in the State of Michigan (MI Const., Article IX, § 25 and violates due process and equal protection under the law of the United States of America Constitution, Amendment XIV, Section 1, Section 4?
2. Did the bankruptcy court err as a matter of law by confirming the Plan even though it purports to treat all individuals in the Plan equally, but disproportionately discriminates against African Americans, who have historically been identified as a disparate class as a race , also that the claw-back recoupment period is 2004-2013, over seventy percent 70%) of the retirees during this period in Class 11 were African American, also, that the Plan disproportionately imposes Annuity Saving Fund (ASF) claw-back recoupment on African Americans, in that this Plan violated the Civil Rights Act of 1964?
3. Did the bankruptcy court err as a matter of law by confirming the Plan with regard to the annuity claw-backs," negotiated and agreed to by court appointed "Retiree Committee, when in the fact the annuities were agreed to by individual retirees, by contributing their own funds, and when the impact of the annuity claw-back is disproportionate within the class where a significant percentage of retirees did not participate in the annuity plan or retired before the claw back was effective?
4. Did the bankruptcy court err as a matter of law by allowing health care benefits for retirees less than 65 years of age to be eliminated and drastically reduce

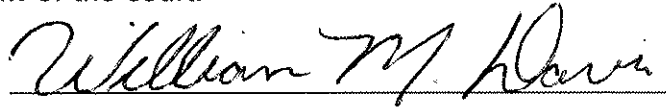
benefits to retiree over 65 years of age, in that, these health care benefits were contractually agreed upon and were reduced or eliminated without discussion or a vote?

5. Did the bankruptcy court err as a matter of law by confirming the Eight Amendment of the Debts of the City of Detroit ("Plan") even though, by attempting to impose the ASF claw-back recoupment on claims, the Plan imposes non-consensual less favorable treatment on those claims than on other claims in Class 11, in violation of 11U.S.C. § 1123(a)(4)?
6. Did the bankruptcy court err as a matter of law by confirming the Plan even though it purports to adjust not only the City's liability, if any, on the claims included in Class 11, but also the liability of the General Retirement System ("GRS"), Which is not a debtor in this case, on those claims, in violation of 11 U.S.C. § 941?
7. Did the bankruptcy court err as a matter of law by directing GRS to act as an agent of the City in deducting the Annuity Saving Fund excess amount from the ASF account of each ASF current participant?
8. Did the bankruptcy court err as a matter of law by relieving GRS, which is not a debtor in this case, from liability for deducting the ASF excess amount from the ASF account of each ASF current participant?
9. Did the bankruptcy court err as a matter of law by relieving GRS, which is not a debtor in this case, from deducting monthly annuity amounts from certain ASF 'Distribution Recipients 'monthly pension checks?

10. Did the bankruptcy court err as a matter of law by enjoining all individuals affected by the ASF recoupment from commencing any proceeding against the GRS and its trustees, officers, employees or professionals, none of whom are debtors in this case, arising from GRS's compliance with the Plan or the Oder Confirming Eighth Amended Plan for the Adjustment of the City of Detroit?

11. Is each of the errors mentioned in issues 1-10, above, reversible

In the course of discussing these issues I/We may address related issues and sub-issues. I/We reserve the right to raise additional issues and to supplement or amend this statement the extent permitted by law or the court.



William M. Davis and DACREA

Date: December 10, 2014

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313-622-6430  
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#### CERTIFICATE OF SERVICE

I certify that on December 10, 2014, I am filing a hardy copy of the above document and the attached Exhibit A with the Clerk of the Court I understand the clerk will promptly scan that hard copy and file the resulting pdf version using ECF, thus effecting service on all persons entitled to service in this action.

I further certify that on December 10, 2014, I am emailing pdf copies of the above documents as follow:

to Heather Lennox, representing the City, at [hiennox@jonesday.com](mailto:hiennox@jonesday.com);

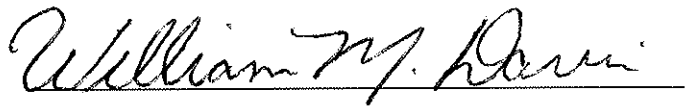
to Sam J. Albert, representing the Retiree Committee at [sam.alberts@dentons.com](mailto:sam.alberts@dentons.com);

to Robert D. Gordon, representing GRS, at [rgordon@clarkhill.com](mailto:rgordon@clarkhill.com); and

to Ryan C. Plecha, representing DRCEA, at [rplecha@lippittokeefe.com](mailto:rplecha@lippittokeefe.com); and

to Matthew scheider, representing the State of Michigan, at

[SchneiderM7@michigan.gov](mailto:SchneiderM7@michigan.gov).

A handwritten signature in cursive script, reading "William M. Davis", written in black ink on a white background.

William M. Davis  
9203 Littlefield  
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313-622-6  
[Montybill86@yahoo.com](mailto:Montybill86@yahoo.com)

Dated: December 10, 2014

## ATTACHMENT A

### LIST OF ADDITIONAL APPELLANTS

#### DETROIT ACTIVE AND RETIRED EMPLOYEES ASSOCIATION

HASSAN ALEEM	2440 Taylor Detroit, MI. 48205
VAUGHN BROWN	9323 E. Walden Drive Belleville MI 48111
PAULETTE BROWN	P. O. Box 23207 Detroit MI. 48223
CINDY DARRAH	492 Peterboro Detroit, MI. 48201
WILLIAM DAVIS	9203 Littlefield Detroit, MI. 48228
GWEN DAVIS	12746 Monte Vista Detroit, MI. 48238
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